

**Minutes of the
Tobacco Education and Research Oversight Committee (TEROC)**

November 7, 2002

Sheraton Gateway Hotel

6101 West Century Blvd.

Los Angeles, CA

MEMBERS PRESENT:

Bruce Allen, Stella Aguinaga Bialous, Ron Arias, Lourdes Baézconde-Garbanati, Theresa Boschert, Gregory Franklin, Alan Henderson, Susan Hildebrand-Zanki, Kirk Kleinschmidt, Cheryl Raney

MEMBERS ABSENT:

Rod Lew, Dorothy Rice

OTHERS IN ATTENDANCE:

Lydia Acosta, Pasadena Tobacco Control Program (TCP)

Leon Alevantis, Deputy Chief, Indoor Air Quality Section (IAQS), California Department of Health Services (DHS)

Debi Austin, Independent Advocate

Dileep G. Bal, Chief, Cancer Control Branch, DHS

Luz Chavez, TCP, Los Angeles County Health Department

Karen Chien, Asian Pacific Health Care Venture, Inc.

Robert Donia, American Heart Association (AHA)

Laura Eastman, Ground Zero Advertising

C. Larry Gruder, Director, Special Research Projects, Tobacco Related Disease Research Program (TRDRP), University of California (UC)

Tom Hanson, Health and Human Development Program, WestEd

Nancy Hugo, Orange County Department of Education

Kathony Jerauld, Data Analysis and Evaluation Unit, Tobacco Control Section (TCS), DHS

Linda Kearns, Orange County Department of Education

Paul Keye, Paul Keye and Partners

Sylvia Koik, Ventura County Superintendent of Schools Office

Winnie Leh, Asian Pacific Health Care Venture, Inc.

Jon Lloyd, Chief, Data Analysis and Evaluation Unit, TCS, DHS

Jamie Morgan, AHA

Dee Muhtadi, Independent Advocate

Tony Najera, Consultant, Director's Office, DHS

Greg Oliva, Program Planning and Policy Development, TCS, DHS

Sopheak Phan, Cambodian Association of America

Peggy Precely, City of Long Beach Department of Health and Human Services, TCP

Doug Robins, Chief, Local Programs Unit, TCS, DHS

Meredith Rolfe, Chief, Safe and Healthy Kids Program Office (SHKPO), California Department of Education (CDE)

Robin Shimizu, Assistant Chief, TCS, DHS

Colleen Stevens, Chief, Media Unit, TCS, DHS

Peggy Uyeda, Los Angeles County Office of Education

1. WELCOME, INTRODUCTIONS, AND OPENING COMMENTS

The Chairperson, Kirk Kleinschmidt, called the meeting to order at 10:05 a.m. Each of the Committee members introduced themselves. Members of the audience also introduced themselves and identified their affiliations. The Chairperson announced that Dorothy Rice was recuperating from heart surgery and best wishes were sent.

2. ENVIRONMENTAL DEVELOPMENTS

The Chairperson launched this new standing agenda item with the following issues:

- Election results: The smoke-free initiative passed in Florida after a 20-year effort, and Nevada passed two ballot measures for clean indoor air.
- The Bullock \$28 billion award, the largest individual punitive damage award to date, is on appeal.
- Negotiations regarding tobacco advertising and marketing at the Framework Convention held in Geneva in October had poor results.
- California Common Cause issued a report of legislators' acceptance of tobacco industry contributions.
- The European Union is suing R. J. Reynolds for promoting cigarette smuggling.

3. APPROVAL OF MINUTES, REVIEW OF CORRESPONDENCE AND ANNOUNCEMENTS

The September 9, 2002, minutes were approved with the following corrections: The spelling of several names, addition of Senator Feinstein to action item number one, and acknowledgement that timely approval of media remains an important follow-up issue at this meeting. The revised minutes will be posted on the TEROC webpage. The correspondence in the packet was reviewed, and the DHS Director's response to TEROC's October 15, 2002, letter regarding the media campaign was acknowledged.

4. LEGISLATIVE UPDATE

Jamie Morgan of AHA reported that six California tobacco-related bills were signed this year, effective January 2003 (handout enclosed), and discussed the following bills:

Assembly Bill (AB) 1867 (Vargas): expands non-smoking area to 25 feet around playgrounds and tot lots, and increases fines for violations from \$100 to \$250. DHS staff reported that the City of Berkeley just passed an outdoor smoking ordinance.

Senate Bill (SB) 1766 (Ortiz): requires vendors selling cigarettes to Californians through non-"face-to-face" sales (phone, internet, or mail order) to either pay all applicable California taxes or include a visible warning that buyers are responsible for unpaid state taxes.

The following bills discussed at previous meetings did not reach the Governor's desk:

SB 1843 (Horton): tobacco retail licensing program.

AB 1453/SB 1680 (Koretz/Polanco): raise minimum age to purchase tobacco products from 18 to 21 years of age.

DHS agreed to report for the next meeting on the status of Butte County's measure to allocate 30 percent of the Master Settlement Agreement (MSA) to tobacco control.

The Chairperson noted that, even though the tobacco tax increase did not go through this year, TEROC should remain vocal to keep tobacco control allocations in the forefront.

5. CAMPUSES ORGANIZED AND UNITED FOR GOOD HEALTH (COUGH) CAMPAIGN

Kimberlee Homer of the California Youth Advocacy Network presented an overview of the COUGH Campaign at the California State University (CSU) campuses (handouts enclosed). The program increased the number of campuses that implement COUGH from seven in April 2002, to the current 20 out of 23 CSU campuses. Ms. Homer highlighted student advocacy activities (with the CSU Board of Trustees and the California State Student Association) and specific policy changes, media, and other COUGH activities on eight CSU campuses.

6. PROGRAM REPORTS BY AGENCIES

(Each agency sends a written report to TEROC prior to the meeting and responds to questions at the meeting.)

6a. CDE, SHKPO Report

CDE reported webcasting of the Tobacco Use Prevention Education (TUPE) Request for Application bidders' conference, and its policy of rejecting Phillip Morris' offers to pay for training on "Life Skills" curriculum in California public schools. Further discussion revealed the tobacco industry has filtered funds through foundations such as the Pat McCormick Foundation, which have approached school districts with similar curriculum offers, claiming this is a MSA mandate. Members wanted the Attorney General's (AG) opinion regarding MSA requirements, and CDE agreed to distribute a policy letter advising districts to reject such funding.

Budget - CDE presented the 2002-03 TUPE funding and 2001-02 staffing charts, and discussed different rollover capability for grades 4-8 entitlements and grades 9-12 competitive grants. If rollover authority differs among grant types, members were concerned that CDE grants be structured to provide the best opportunity to use the funds effectively and prevent reversion. Members had many questions regarding the types and length of grants, legislative language for the provision of services, staffing, and rollover authority. Of particular concern was the report that unspent Proposition (Prop) 99 funds had been reverted to the General Fund (GF). CDE agreed to have a fiscal staff member attend the next meeting to address these questions.

Evaluation – In response to questions about assessing the extent and effectiveness of its programs, CDE reported current lack of data (e.g., number of cessation classes), and indicated SHKPO could change progress report questions to generate better internal data. In the interim, the Chairman suggested using the outcome-based Independent Evaluation data and, when it is available, the California Student Tobacco Survey (CSTS). Tom Hanson of WestEd presented an analysis of data to determine whether high schools that receive TUPE competitive grants are making better progress than other schools in reducing tobacco use and its precursors (handout enclosed). He found that high schools with competitive TUPE grants made more progress in reducing tobacco use than schools that did not have such grants. For the majority of the tobacco use indicators examined, these differences were statistically significant. The study also found that perceived smoking norms declined significantly more in TUPE schools than in non-TUPE schools, but trends in the other measures of tobacco use precursors did not

statistically differ by grantee status. It was pointed out that few schools had data prior to receiving TUPE funding. Administering the California Safe and Healthy Kids Survey (CSHKS) every other year will be mandatory for all title four schools starting in 2003-04. Members requested further information on CDE program data and evaluation at the next meeting.

6b. UC, TRDRP Report

UC announced its new website: www.trdrp.org. There was discussion regarding TRDRP's funding priorities this year. Arguments were made for more applied research and bench research, and opinions differed on whether TRDRP should continue, as program funding declines, to support cancer research that is also supported by the far greater resources of the National Cancer Institute. TRDRP stated that it is in the process of developing priorities to address declining program resources, and highlighted the "TRDRP Listens" segment of the Annual Investigator Meeting to solicit input. Several members advised TRDRP to coordinate its research priorities with Prop 99 health education interventions. The Chairman asked how TEROc could help facilitate better coordination among TRDRP, CDE, and DHS; and TRDRP agreed to convene a meeting by March 2003 with CDE and DHS to begin developing a coordinated research plan.

6c. DHS TCS Report

The Chairman voiced concern that California is losing its standing nationally and internationally as the premier comprehensive tobacco control program. He noted that it is difficult to request additional funding when the adult smoking prevalence has been flat for the last five years and youth illegal purchase rates are rising. He said that these rates must be addressed with smart measures to stay on track to meet the Master Plan goals of 10 percent adult and 2 percent youth prevalence. If the illegal purchase rate exceeds 20 percent, California could lose \$100 million per year in its Federal Drug Treatment Block Grant. A complicating factor is that current-year state budget cuts included DHS Local Enforcement grants. Members recognized that major declines in prevalence occurred early when program funding was much higher. DHS responded that it will ratchet up its efforts and/or stringency, and agreed to present strategies to address the stagnant adult rate and rising youth purchase rate at the next meeting. There was further discussion about TEROc's options to make the value of tobacco control better understood by legislators. It was agreed that the job of tobacco control is not finished, and that is also important to recover the three-way balance of funding among DHS' media, competitive grants, and Local Lead Agency programs.

Evaluation – DHS anticipates receiving preliminary results from the California Tobacco Survey in March 2003. Future funding priorities were discussed at the September Evaluation Task Force meeting, including the likely necessity of cutting future special population studies. DHS agreed to present key components of its evaluation plan at the next meeting. *The Cost of Smoking in California, 1999 and Independent Evaluation, Waves 1-3, Final Report* are still not approved for release, and Tony Najera agreed to follow up with DHS Director Bontá regarding their approval.

Media – DHS reported that California and Minnesota are the only states investigating the tobacco industry media focus on 18 to 24 year-olds, and the two states will co-host a discussion group with the Centers for Disease Control and Prevention at the National

Tobacco Conference regarding strategies to reach 18 to 24 year-olds. DHS also plans to host a press conference on November 20, 2002, to release data on the ease of implementing smoke-free bars in California. A complete press packet will be sent to TEROC members.

TEROC increased concern about ad approval delays, and the Chairman emphasized lack of any new ads for the National Conference. DHS reported that 12 of 27 ads had been approved since the last meeting (including secondhand smoke, Spanish language, and anti-industry); TCS is expediting their production for anticipated approval for release in January. TEROC emphatically wants approval by January. DHS will provide TEROC with ongoing status reports of the ad approval process.

Members discussed possibly serving as participants in TCS media focus groups. It was agreed that TEROC members do not match the demographics of the media campaign target populations, and would not personally participate in focus groups; however, DHS will notify TEROC of focus group schedules and topics on an ongoing basis to keep members informed of message development for future ads.

7. SMOKE-FREE AIR AND VENTILATION STANDARDS

Leon Alevantis, Deputy Chief, IAQS, Environmental Health Laboratories, DHS, was invited to discuss the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standards for indoor air ventilation (handout enclosed). Standard 62 dates back to 1973, but since June 2002, applies to non-smoking spaces only; guidelines for smoking areas are now separate, and based on odor control instead of health criteria. Mr. Alevantis stated that ventilation can keep non-smoking areas relatively free of the annoying aspects of environmental tobacco smoke, but cannot make indoor environments safe where smoking is permitted.

ASHRAE's Standard Project Committee (in which Mr. Alevantis participates) periodically revises Standard 62 by addendum. There is a long history of tobacco industry influence on ASHRAE (e.g., they have blocked provisions based on the rationale that they would lead to building codes that "would cost so much owners would make buildings smoke-free"). Members congratulated Mr. Alevantis on his difficult, outnumbered, public health advocacy with the Standards Committee. Stella Aguinaga Bialous agreed to write a letter from TEROC to ASHRAE to support health considerations in the new Standard 62 addendum. TEROC members were also invited to submit comments or proposed changes to the addendum at www.ashrae.org or (404) 636-8400, and attend ASHRAE public hearings.

8. MASTER PLAN

TEROC approved the Master Plan content as presented, and made suggestions for the cover page. The Chairman will work with the editor on the final design before printing. TEROC will host a meeting with constituents on December 2, 2002, in Sacramento to discuss the Master Plan and dissemination plans. A press conference is scheduled for the Master Plan release on January 14, 2003, and TEROC will send letters to the Assembly and Senate Health and Budget Committees requesting a hearing to discuss the plan.

9. NATIONAL TOBACCO CONTROL CONFERENCE

Lourdes Baézconde-Garbanati will present the Master Plan in a panel presentation at the National Conference. She discussed her proposed slides and received member feedback.

10. PUBLIC QUESTIONS AND COMMENTS

Peggy Preacely reported that Long Beach reduced illegal youth purchases thanks to MSA enforcement funding.

NEXT MEETING DATE: January 13, 2003, at the Hyatt Regency, Sacramento.

The meeting was adjourned at 5:00 p.m.

ACTION ITEMS

1. TEROC to send an invitation letter to members and the constituency inviting them to a December 2, 2002, meeting to preview the Master Plan recommendations and discuss tobacco-related goals for the upcoming legislative session.
2. TEROC to send a letter (drafted by Stella Aguinaga-Bialous) to ASHRAE describing California's experience in countering tobacco industry influence and encouraging ASHRAE to maintain a strong Standard 62 to protect people from health effects of secondhand tobacco smoke.
3. TEROC to send a letter to the Assembly and Senate Health Committees announcing the Master Plan release and requesting a hearing to discuss the Plan's recommendations.
4. TEROC members to email the Chairperson with specific questions for CDE.
5. CDE to request a letter from the AG clarifying that cigarette manufacturers are not mandated to offer Lifeskills Training to school districts by MSA.
6. CDE to send a letter to county offices of education, districts and high school grantees explaining CDE's policy of discouraging their acceptance of funds from the tobacco industry (or their front foundations) for school-based curricula or other purposes. Enclosed the AG's letter (above), if available.
7. CDE fiscal staff member to attend January meeting to explain funding, if any, that reverted to the GF from the grades 9 to 12 competitive grants; clarify CDE's statutory rollover authority; and explain program staffing and funding.
8. CDE to explain statutory requirements for cessation programs in the schools and report on implementation and outcomes of the CDE cessation program.
9. CDE to present further data at the January meeting on TUPE activities, evaluation, and reorganization of SHKPO to provide improved data and outcomes evaluation.
10. Convene a meeting of TRDRP, CDE and DHS by March 2003 to develop a research plan that supports Prop 99 interventions.
11. DHS to prepare a written report on the status of Butte County tobacco settlement.
12. DHS to discuss strategies at the January meeting that address the stagnant adult use rate.
13. DHS to explain the increasing youth tobacco purchase rate and related interventions at the January meeting.
14. DHS to present its evaluation plan at the January meeting.
15. DHS to distribute to all TEROC members a copy of the press packet from the November 2002 National Conference that focuses on California's success with smoke-free workplaces and bars.

16. Tony Najera to report his follow-up with DHS Director Bontá regarding the long delay in releasing the *Independent Evaluation, Waves 1-3, Final Report, and The Cost of Smoking in California, 1999* reports.

Items for Ongoing Status Reports

1. DHS to provide updates on ASHRAE addenda regarding smoke-free air and ventilation standards.
2. DHS to notify TEROc of media focus group schedules and topics.
3. DHS to provide TEROc with current ad approval status sheets.